

FISCAL IMPACT STATEMENT ON BILL NO. **S.36**

(Doc. No. 004dama.mrh.doc)

TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Kenneth Brown, Allan Kincaid, Tricia Tangney, Beth Campbell, Kate Billings, Rodney Grizzle		
DATE:	January 18, 2005	SBD:	2005020

AUTHOR:	Senator Richardson	PRIMARY CODE CITE:	15-32-10
SUBJECT:	Noneconomic Damages Awards Act of 2005		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

BILL SUMMARY:

The Bill would enact the Noneconomic Damages Awards Act of 2005. This Act would limit the amount awarded for non economic damages in a civil court case to \$300,000, increases the membership of the Medical Disciplinary Commission and defines commission membership criteria.

EXPLANATION OF IMPACT:

Department of Insurance

The Department indicates that enactment of this Bill would have no impact on the General Fund of the State or on Federal and/or Others Funds.

Budget and Control Board (Board)

Section 15-32-40 of the Bill states that provisions of this article do not affect any right, privilege, or provision of the South Carolina Tort Claims Act pursuant to Chapter 78 Title 15, therefore, any impact on the Insurance Reserve Fund would be minimal, if any at all.

Department of Labor, Licensing and Regulation

The Department indicates that there will be no impact on the General Fund of the State. They do indicate that there will be an increase of \$8,500 in Other Funds for travel, per diem and office supply related costs for the six additional members of the Medical Disciplinary Commission of the State Board of Medical Examiners; however revenue generated by the board is sufficient to cover the additional costs.

Patients' Compensation Fund

The Agency has been forwarded a copy of the Bill, but to date, has not submitted impact of the proposed Bill.

Department of Health & Human Services (DHHS)

DHHS indicates enactment would have a minimal impact on the agency's budget. However, the limitation on settlements, as stated in the Bill, could have an impact on the Department's Third Part Liability (TPL) recoveries because of smaller awards to injured recipients. The Department estimates a negative impact on TPL recoveries (revenue) estimated at \$630,000.

Judicial Department

The Agency has been forwarded a copy of the Bill, but to date, has not submitted impact of the proposed Bill.

LOCAL GOVERNMENT IMPACT:

None.

SPECIAL NOTES:

None.

Approved by:

A handwritten signature in black ink that reads "Don Addy". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

Don Addy
Assistant Director, Office of State Budget